

## Message Text

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ORIGIN ACDA-10

INFO OCT-01 SS-14 ISO-00 AS-01 IO-03 EUR-08 NSC-05 NSCE-00

INR-05 CIAE-00 DODE-00 L-01 PM-03 SP-02 PRS-01 EA-06

SAJ-01 OES-02 H-01 /064 R

66611

DRAFTED BY: ACDA/IR:DBLACK/ACDA/NWT:RMIKULAK

APPROVED BY: ACDA/IR:DKLEIN

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R 292245Z APR 75

FM SECSTATE WASHDC

TO USMISSION GENEVA

INFO AMEMBASSY MOSCOW

USMISSION USUN NEW YORK

C O N F I D E N T I A L STATE 100008

LIMDIS

C O R R E C T E D C O P Y (ADDITION OF CAPTION "LIMDIS")

E.O. 11652: XGDS-1 (DATE IMPOSSIBLE TO DETERMINE)

TAGS: PARM, PFOR, UR

SUBJECT:US-USSR CONSULTATION ON CHEMICAL WEAPONS (CW)

1. ACDA ACTING ASSISTANT DIRECTOR KLEIN CALLED IN SOVIET EMBASSY COUNSELOR VORONTSOV APRIL 28 TO CONVEY US COMMENTS AND QUESTIONS REGARDING DRAFT CW CONVENTION WHICH SOVS HAD PRESENTED US PRIVATELY LAST AUGUST,AS FOLLOW-UP TO US-USSR JOINT STATEMENT AT JULY 1974 SUMMIT IN WHICH COUNTRIES AGREED TO CONSIDER CCD INITIATIVE ON MOST DANGEROUS, LETHAL CHEMICAL WEAPONS. (TEXT OF USSR DRAFT BEING PROVIDED SEPTEL). VORONTSOV HAD REPEATEDLY ASKED FOR US RESPONSE TO AUGUST 1974 DRAFT, MOST RECENTLY ON MARCH 17 WHEN HE SUGGESTED THAT US AND SOVIET REPS CONSULT ON MATTER DURING CONFIDENTIAL

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CCD SESSION THEN IN PROGRESS.

2. ALLUDING TO THAT SUGGESTION, KLEIN NOTED THAT IT HAD NOT BEEN POSSIBLE TO INSTRUCT US REP TO CARRY OUT CONSULTATIONS

BEFORE CCD SPRING SESSION CONCLUDED APRIL 10. HOWEVER, WE AGREED THAT CCD WAS PROPER PLACE FOR FURTHER DISCUSSION OF SUBJECT AND HOPED THAT AT SUMMER SESSION USSR REP COULD GIVE US REP SOVIET VIEWS REGARDING COMMENTS AND QUESTIONS KLEIN WAS NOW CONVEYING TO VORONTSOV. PRESENT DISCUSSION, KLEIN EMPHASIZED, DID NOT CONSTITUTE NEGOTIATION BUT SHOULD BE TREATED AS REQUEST FOR CLARIFICATION AND AMPLIFICATION OF

VARIOUS ELEMENTS OF 1974 SOVIET DRAFT. (FYI. WE VIEWED THIS CONSULTATION AS OPPORTUNITY TO:

(A) PRESENT COMMENTS ON 1974 DRAFT, ESPECIALLY REGARDING ITS SHORTCOMINGS--PRINCIPALLY ITS FAILURE TO PROVIDE ANY EFFECTIVE INTERNATIONAL OR INDEPENDENT VERIFICATION PROCEDURES AND THE UNBALANCED APPROACH IMPLICIT IN ITS LETHALITY CRITERION WHICH WOULD OBLIGEUS TO DESTROY ALL OUR LETHAL CHEMICAL AGENTS (PRIMARILY SUPERTOXICS) WHILE OTHERS COULD MAINTAIN EXISTING STOCKS OF SUCH LETHAL AGENTS AS HYDROGEN CYANIDE;

(B) ASCERTAIN THE RATIONALE FOR DIFFERENCES BETWEEN THE USSR DRAFT CONVENTION TABLED AT THE CCD IN 1972 AND THE 1974 DRAFT;

(C) ELICIT SOVIET VIEWS ON AND, TO EXTENT POSSIBLE, DETERMINE FLEXIBILITY IN USSR'S POSITION ON SCOPE OF CW LIMITATION AND ON VERIFICATION, INCLUDING POSSIBILITY OF INTERNATIONAL OBSERVATION OF STOCKPILE DESTRUCTION. END FYI).

3. KLEIN READ OUT FOLLOWING QUESTIONS AND COMMENTS, GIVING SOVS OPPORTUNITY TO TRANSCRIBE THEM FULLY:

(A) THE UNITED STATES REMAINS FIRMLY COMMITTED TO ACHIEVING EFFECTIVE RESTRAINTS ON CHEMICAL WEAPONS AND DESIRES TO EXPLORE THE POSSIBILITY OF A JOINT INITIATIVE ON CHEMICAL WEAPONS WITH THE USSR.

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(B) NO EFFECTIVE CHEMICAL WEAPONS LIMITATION CAN BE ACHIEVED UNLESS THE UNITED STATES AND THE SOVIET UNION CAN ARRIVE AT AN AGREED APPROACH.

(C) THE AGREEMENT AT THE MOSCOW SUMMIT IN JULY 1974 TO DISCUSS A STEP-BY-STEP APPROACH, FOCUSING FIRST ON THE MOST DANGEROUS, LETHAL MEANS OF CHEMICAL WARFARE, WAS A POSITIVE STEP TOWARD A COMMON APPROACH ON CHEMICAL WEAPONS LIMITATIONS.

(D) ANY APPROACH TO CHEMICAL WEAPONS MUST PROVIDE SATISFACTORY ASSURANCE TO A STATE THAT IT IS NOT INCREASING THE RISK TO ITS NATIONAL SECURITY IN BECOMING A PARTY. WE

BELIEVE THERE ARE A NUMBER OF SHORTCOMINGS IN THIS REGARD IN THE SOVIET DRAFT CONVENTION ON HIGHLY TOXIC CHEMICAL MEANS OF WARFARE.

(E) THE SOVIET DRAFT APPEARS TO PROHIBIT NERVE AGENTS AND POSSIBLY MUSTARD GAS, BUT NOT SUCH AGENTS AS HYDROGEN CYANIDE AND LEWISITE. THESE AGENTS, WHICH ARE REPORTEDLY

IN THE NATIONAL ARSENALS OF SOME COUNTRIES, ARE LESS TOXIC THAN NERVE AGENTS BUT ARE ALSO LETHAL.

(F) THUS, THE SOVIET DRAFT WOULD REQUIRE COUNTRIES THAT POSSESS ONLY NERVE AGENTS AND MUSTARD GAS TO DESTROY THEIR ENTIRE STOCKPILES OF LETHAL AGENTS BUT WOULD ALLOW COUNTRIES THAT POSSESS LETHAL AGENTS LESS TOXIC THAN MUSTARD GAS, SUCH AS HYDROGEN CYANIDE, TO RETAIN SIGNIFICANT STOCKS OF LETHAL CHEMICAL WEAPONS. THIS ESTABLISHES AN UNBALANCED APPROACH THAT DOES NOT FIT OUR UNDERSTANDING OF THE JOINT SUMMIT STATEMENT, WHICH CONCERNS THE MOST DANGEROUS--I.E., LETHAL--CHEMICAL AGENTS. WE CONSIDER THIS UNBALANCED APPROACH TO BE AN IMPORTANT SHORTCOMING WHICH NEEDS TO BE CORRECTED.

(G) AS WE HAVE STATED PREVIOUSLY, A TOXICITY CRITERION MIGHT BE USEFUL AS A SUPPLEMENT TO A GENERAL PURPOSE CRITERION. HOWEVER, WE DO NOT BELIEVE THAT TOXICITY TO HUMANS CAN BE DETERMINED ACCURATELY ENOUGH TO FORM THE PRINCIPAL BASIS FOR A LEGAL RESTRAINT, NOR ARE WE CERTAIN

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THAT A TOXICITY CRITERION SHOULD BE BASED SOLELY ON A MEASUREMENT OF TOXICITY THROUGH THE RESPIRATORY ROUTE, AS IT IS IN THE SOVIET DRAFT. THE TECHNICAL CONSIDERATIONS INVOLVED HAVE BEEN OUTLINED IN SEVERAL WORKING PAPERS ALREADY SUBMITTED TO THE CCD; FOR EXAMPLE, THE US WORKING PAPER CCD/435 PRESENTED IN 1974.

(H) THE SOVIET DRAFT SUGGESTS A PHASED APPROACH TO THE PROHIBITION OF AGENTS IN CONJUNCTION WITH A COMPREHENSIVE APPROACH TO THE PROHIBITION OF ACTIVITIES, SUCH AS PRODUCTION AND STOCKPILING. ON A NUMBER OF OCCASIONS IT HAS BEEN SUGGESTED THAT THE PHASED APPROACH MIGHT BE APPLIED TO THE PROHIBITION OF ACTIVITIES, BEGINNING, FOR ONE EXAMPLE, WITH A PRODUCTION BAN AND MOVING ON TO STOCKPILE DESTRUCTION. WHAT IS THE SOVIET REACTION TO PHASED PROHIBITION OF ACTIVITIES?

(I) ONE IMPORTANT DEFICIENCY OF THE SOVIET DRAFT, IN OUR JUDGMENT, IS THAT IT DOES NOT PROVIDE ANY EFFECTIVE INTERNATIONAL OR INDEPENDENT VERIFICATION PROCEDURES. IN ORDER TO BE EFFECTIVE, A CHEMICAL WEAPONS CONTROL AGREEMENT MUST HAVE EFFECTIVE VERIFICATION PROVISIONS. THESE PRESENT

PARTICULARLY DIFFICULT PROBLEMS IN SEVERAL AREAS; FOR INSTANCE, VERIFICATION OF THE ELIMINATION OF ALL CHEMICAL WEAPON STOCKS. WE BELIEVE IT EXTREMELY UNLIKELY THAT ANY COUNTRY WOULD REDUCE ITS OVERALL CHEMICAL WEAPONS CAPACITY, WHICH IT BELIEVES ENHANCES ITS NATIONAL SECURITY, WITHOUT ASSURANCE THAT OTHER STATES POSSESSING CHEMICAL ARSENALS ARE DOING LIKEWISE.

(J) AS FAR AS THE SPECIFIC PROBLEM OF VERIFYING ANY STOCKPILE DESTRUCTION IS CONCERNED, INTERNATIONAL OBSERVATION OF THE DESTRUCTION OF STOCKS DESERVES CONSIDERATION. WE WOULD WELCOME SOVIET VIEWS ON THE FEASIBILITY OF THIS APPROACH.

(K) THE PROVISION ON VOLUNTARY EXCHANGE OF INFORMATION IN ARTICLE V OF THE SOVIET DRAFT IS AN IMPROVEMENT OVER THE DRAFT TABLED IN THE CCD IN 1972. IF SUCH A PROVISION WERE INCORPORATED IN A CHEMICAL WEAPONS MEASURE IT WOULD BE DESIRABLE TO SPECIFY WHAT TYPES OF INFORMATION WOULD BE PROCONFIDENTIAL

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VIDED. DOES THE USSR HAVE A MORE DETAILED SUGGESTION AS TO WHAT TYPES OF INFORMATION MIGHT BE EXCHANGED?

(L) WITH THE POSSIBLE EXCEPTION OF OPEN-AIR TESTING OF LETHAL AGENTS, CHEMICAL WEAPON RESEARCH AND DEVELOPMENT ACTIVITIES CANNOT BE RELIABLY DETECTED OR MONITORED. THEREFORE, WE DO NOT BELIEVE IT WOULD BE FEASIBLE TO PROHIBIT ALL RESEARCH AND DEVELOPMENT ACTIVITIES DURING THE EARLY STAGES OF A PHASED APPROACH, AS PROPOSED IN THE SOVIET DRAFT. DOES THE USSR HAVE ANY SUGGESTIONS ON HOW SUCH A PROHIBITION COULD BE VERIFIED?

(M) IN ADDITION TO THE PROVISIONS ALREADY MENTIONED, THERE ARE A NUMBER OF OTHER WAYS IN WHICH THE SOVIET DRAFT ON HIGHLY TOXIC CHEMICAL MEANS OF WARFARE DIFFERS FROM THE DRAFT CONVENTION TABLED IN THE CCD IN 1972. WE WOULD APPRECIATE LEARNING THE REASONS FOR THE FOLLOWING DIFFERENCES:

(1) A NUMBER OF CHANGES HAVE BEEN MADE IN THE PREAMBLE.

(2) THE DRAFT ON HIGHLY TOXIC AGENTS SETS A TWO-YEAR TIME LIMIT FOR THE DESTRUCTION OF STOCKPILES, BUT THE 1972 DRAFT PRESCRIBED NO SPECIFIC PERIOD. WE BELIEVE THE TWO-YEAR LIMIT WOULD BE INADEQUATE FOR ANY SIGNIFICANT STOCKPILE DESTRUCTION. DOES THE USSR BELIEVE THAT, GIVING FULL CONSIDERATION TO SAFETY AND ENVIRONMENTAL IMPACTS, ITS STOCKS COULD BE TOTALLY DESTROYED IN LESS THAN TWO YEARS?

(3) THE PROVISION FOR TECHNICAL COOPERATION EMBODIED IN ARTICLE IX, PARAGRAPH 1, OF THE 1972 DRAFT HAS BEEN DELETED.

(4) A NEW ARTICLE ON FURTHER NEGOTIATIONS HAS BEEN ADDED.

(5) IN CONTRAST TO THE 1972 DRAFT, THE DRAFT ON HIGHLY TOXIC AGENTS GIVES THE DEPOSITARIES A VETO OVER AMENDMENTS.

4. VORONTSOV CALLED THE US PRESENTATION "A REASONABLE BEGINNING." HE EXPRESSED HOPE THAT "YOU WILL BE WORKING ALONG WITH US ON SEEKING ANSWERS TO THE QUESTIONS YOU RAISED". KLEIN REPLIED THAT THIS WAS NOT APPROACH WE IN-CONFIDENTIAL

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TENDED; RATHER, WE NEEDED SOVS' ANSWERS IN CONNECTION WITH OUR ONGOING STUDY OF CW ARMS CONTROL MATTERS. VORONTSOV ASKED WHETHER US DESIRE TO RECEIVE SOVIET VIEWS AT CCD MEANT THAT WE ANTICIPATED DIRECT EXCHANGES BETWEEN EXPERTS AT GENEVA. KLEIN ANSWERED THAT IT WOULD BE PREMATURE TO SEND EXPERTS TO GENEVA WHILE MATTER WAS STILL ENTIRELY IN DISCUSSION STAGE, ALTHOUGH THEY COULD OF COURSE COME LATER IF DEVELOPMENTS MADE THIS ADVISABLE. HE NOTED THAT CCD DELEGATIONS COULD READILY COMMUNICATE TECHNICAL QUESTIONS TO EXPERTS IN CAPITALS.

5. VORONTSOV INDICATED ACCEPTANCE OF THIS APPROACH, BUT SUGGESTED SOVS MIGHT COMMUNICATE RESPONSE TO US QUESTIONS BEFORE CCD SUMMER SESSION CONVENES JUNE 24 "SO DELEGATIONS COULD ARRIVE WITH MORE COMPLETE INSTRUCTIONS." HE ALSO REMARKED THAT PROCEDURE ENVISAGED BY KLEIN LEFT IN QUESTION FEASIBILITY OF TAKING JOINT INITIATIVE DURING 1975 CCD SESSION. IN THIS CONNECTION VORONTSOV REQUESTED A "CLARIFICATION." NOTING THAT US PRESENTATION HAD REFERRED AT SEVERAL POINTS TO 1972 SOVIET CW DRAFT, HE ASKED WHETHER THIS MEANT US THOUGHT THAT 1972 DRAFT COULD PROVIDE ACCEPTABLE BASIS FOR JOINT INITIATIVE. KLEIN REPLIED IN NEGATIVE, STATING THAT WE WERE MAINLY INTERESTED IN DIFFERENCES BETWEEN 1972 AND 1974 DRAFTS, AND REASONS FOR CHANGES. KISSINGER

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## Message Attributes

**Automatic Decaptioning:** Z  
**Capture Date:** 26 AUG 1999  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** CHEMICAL WARFARE, AGREEMENT DRAFT, MEETINGS, CHEMICAL WARFARE WEAPONS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 29 APR 1975  
**Decaption Date:** 28 MAY 2004  
**Decaption Note:** 25 YEAR REVIEW  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** greeneet  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975STATE100008  
**Document Source:** ADS  
**Document Unique ID:** 00  
**Drafter:** ACDA/IR:DBLACK/ACDA/NWT:RMIKULAK  
**Enclosure:** n/a  
**Executive Order:** 11652 XGDS-1 (DATE IMPOSSIBLE TO DETERMINE)  
**Errors:** n/a  
**Film Number:** D750152-1030, D750151-0259  
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**Handling Restrictions:** n/a  
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**Legacy Key:** link1975/newtext/t197504104/baaaaihz.tel  
**Line Count:** 258  
**Locator:** TEXT ON-LINE, TEXT ON MICROFILM  
**Office:** ORIGIN ACDA  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** LIMDIS  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 5  
**Previous Channel Indicators:**  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** LIMDIS  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** greeneet  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 18 JUN 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <18 JUN 2003 by BoyleJA>; APPROVED <24 OCT 2003 by greeneet>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
05 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** n/a  
**TAGS:** PARM, PFOR, UR, US, CCD  
**To:** GENEVA INFO MOSCOW  
USUN N Y  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006